

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/12/22

IN RE OMNICON GROUP INC. ERISA LITIGATION

No. 1:20-cv-4141 (CM) (SLC)

ORDER

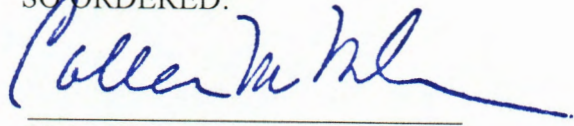
McMahon, J:

This case will be bench tried beginning on Wednesday, February 22, 2023. It will be held on Courtroom 24A of the Daniel Patrick Moynihan Courthouse, unless my courtroom is needed for a larger trial, in which case we will use someone else's courtroom.

This is your trial date. I told you first quarter 2023 and this is when I can fit you in between criminal cases. Do not ask for an adjournment; you won't get one.

Instead of a final pre trial order, the parties have until January 27, 2023 to file the documents needed by the court to conduct a bench trial. That is, each party will file (1) an affidavit/declaration from each witness being called by that party who is under the party's control (I take direct testimony by affidavit in bench trials and listen only to cross); (2) all exhibits the party wishes to introduce; (3) objections to exhibits proposed by the other party (I rarely grant objections in bench trials, on the theory that I am a judge and I can figure out what I shouldn't pay attention to, so if you have it in mind to object to every exhibit, it is likely that I will simply overrule all your objections); (4) a physical copy of the portions of any deposition testimony that you wish to introduce (designations AND counterdesignations, and remember: if a non-party witness is testifying in person, I will not accept deposition testimony from that witness; I will hear the witness' testimony in person); (5) a list of stipulated facts; (6) each side's proposed findings of fact (with citations to the testimony and exhibits that support the proposed finding); and (7) each side's proposed conclusions of law (with citations to cases supporting the proposed conclusion. There is no need to file a brief; the proposed findings take the place of a brief.

SO ORDERED:

A handwritten signature in blue ink, appearing to read "Colleen M. Kelly", written over a horizontal line.

United States District Judge

Dated: October 12, 2022
New York, New York